



OBA Municipal Law Section

May 8, 2008

VIA FACSIMILE 416.338.5859

Office of the Lobbyist Registrar
City of Toronto
City Hall
100 Queen St W
Toronto ON M5H 2N2

Attention: Ms. Marilyn Abraham, Lobbyist Registrar

Dear Ms. Abraham:

Re: City of Toronto Lobbyist Registry

I am writing this letter on behalf of the Municipal Law Section of the Ontario Bar Association (“OBA”). The OBA is an autonomous provincial branch of the Canadian Bar Association. The OBA is a voluntary, non-partisan, professional association representing over 16,000 lawyers, judges and law students across the Province. As the “voice of the legal profession”, the OBA is the only legal association which represents lawyers from every practice area, across the Province. It is further noted that the Municipal Law Section represents over 400 private-sector and public-sector lawyers, who act for the various stakeholders in municipal, planning and development law matters in the Province of Ontario, with a large number of our members advising clients with respect to matters in the City of Toronto.

A number of our members have expressed concerns to us with respect to the City of Toronto Lobbyist Registry which was implemented on February 11th, 2008. Although the vast majority of our members are attempting to comply with the requirements of the Lobbyist Registry, a number of them have complained about various aspects of the Lobbyist Registry and the requirements to pre-register.

Some of the more common complaints we have received are as follows:

The Lobbyist Registry was put into place without an appropriate level of stakeholder consultation and a lack of appropriate education including partnering with groups like the OBA and the Ontario Professional Planners Institute to educate their respective membership about the operation of the Lobbyist Registry. Considering lobbying with respect to a Planning application would fall within the scope of the Lobbyist Registry’s purview, we would have expected the City to have provided a higher level of notice and information prior to its enactment;

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We are puzzled as to the requirement for pre-registration, especially considering that the permission of the Lobbyist Registrar is not required to actually communicate with public office holders and City staff for the purposes of lobbying. It is our understanding that the Lobbyist Registry was only set up to document such communications. As a result, we would recommend that pre-registration not be required, but post-registration following a meeting would be acceptable;

We understand the Lobbyist Registrar has released a number of Interpretation Bulletins, including but not limited to the consultation process relating to *Planning Act* applications. Although our members appreciate this information, we question whether or not the Lobbyist Registrar has the jurisdiction to release these Bulletins and, therefore, whether or not our members can adequately rely upon these Interpretation Bulletins since they seem to be in conflict with the actual wording reflected in Chapter 140 of the City of Toronto Municipal Code. It is our respectful opinion that these Interpretation Bulletins cannot be adequately relied upon without these Bulletins being specifically adopted by City Council; and

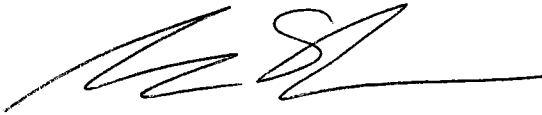
Chapter 140 of the City of Toronto Municipal Code requires a lobbyist to fill out a Return with respect to each particular undertaking. The Return is required to contain potentially confidential information including, if our client is a corporation, the names and business addresses of parent and/or subsidiary corporations that, to the knowledge of the lobbyist, has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client. In many cases, we are not aware of the corporate hierarchy of our clients and often this information is difficult to obtain. In addition, in many cases, this information is irrelevant to the subject matter of the lobbying activities.

Further, information that is provided from a client to a lawyer is governed by solicitor-client privilege, which is often a reason why a particular client chooses to retain a lawyer, versus another type of consultant. It is our respectful submission that you are putting solicitors in a position whereby they may be required to breach their solicitor-client privilege, a conflict which could potentially lead to litigation. Effectively, the lobbying provisions are preventing our members from acting as advocates for their respective clients.

In light of the various concerns raised by our members, we would respectfully request a meeting with you to discuss these matters and whether or not appropriate amendments to the lobbying requirements in the City of Toronto Municipal Code can be implemented. We understand that your office is in the process of preparing a report to City Council in June regarding the Lobbyist Registry and recommendations with respect to its reform. It would be greatly appreciated if we could meet with you prior to your reporting to City Council.

Please kindly contact me at 416.597.6284 or at mstewart@goodmans.ca to arrange such a meeting.

Yours very truly,

A handwritten signature in black ink, appearing to read 'M Stewart', with a long horizontal line extending to the right.

Michael Stewart, Chair
OBA Municipal Law Section

cc: OBA Municipal Law Section Executive
Jonathan Clancy, Manager, Advocacy Government Relations & Communications,
OBA
Blossom Pangowish, Section Co-Ordinator, OBA